

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION
AND REQUEST FOR A HEARING

DC: 6108910-2

year 2015. CMS intends to collect between \$2-3 million of this payment on July 15, 2016, by withholding funds owed to Plaintiff under other ACA programs. Plaintiff will be required to pay the remaining \$21-22 million of the risk adjustment payment assessed by CMS on August 15, 2016. The bases for this Motion are set forth in Plaintiff's accompanying Memorandum of Law, which is incorporated herein by reference.

Plaintiff respectfully requests a hearing on its Motion for Preliminary Injunction prior to August 1, 2016, so that this Court may have adequate opportunity to make a determination on Plaintiff's motion before Plaintiff is obligated to pay the remaining risk adjustment assessment amounts to Defendants. If Defendants are not enjoined from collecting the assessed payment, Evergreen Health will be at risk of being placed in receivership, will immediately be required to limit new enrollment, and will suffer irreparable damage to its ability to provide quality health care to its members at an affordable cost. As discussed in Plaintiff's accompanying Memorandum of Law, these injuries cannot be remedied by later relief.

Respectfully submitted,

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June 30, 2016

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Caroline M. Brown, hereby certify that I caused a true and correct copy of Plaintiff's

Motion for Preliminary Injunction & Request for Hearing and accompanying

memorandum of law to the following via certified mail and in-person delivery:

Dept. of Health and Human Services
Sylvia Burwell, Secretary of HHS
Centers for Medicare and Medicaid Services
Andrew Slavitt, Acting Administrator CMS
200 Independence Ave., SW
Washington, DC 20201

Loretta Lynch, Attorney General of the US
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Dated: June 30, 2016

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